



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2469

Introduced 2/19/2021, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

New Act
740 ILCS 110/4

from Ch. 91 1/2, par. 804

Creates the Suicide Prevention Act. Provides that for a person 18 years of age or older who is receiving or has received mental health services for an attempted suicide, the person's therapist shall identify a family member or other person who shall consult with the therapist every 30 days following a suicide attempt for the period of one year. Provides that the period may be extended by the therapist based on need. Provides that the therapist shall be responsible for consulting with the designated person about the progress of the person who is receiving mental health services toward restoration of mental health. Provides that except as otherwise prohibited by the federal Health Insurance Portability and Accountability Act of 1996, a therapist is not criminally or civilly liable for disclosing the recipient's therapy or for discussing the progress of the recipient toward mental health to a person designated under the Act. Defines various terms. Amends the Mental Health and Developmental Disabilities Confidentiality Act to make conforming changes.

LRB102 13266 RLC 18610 b

1 AN ACT concerning suicide prevention.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Suicide Prevention Act.

6 Section 5. Definitions. In this Act:

7 "Attempted suicide" means any act done with the intent to
8 commit suicide and that constitutes a substantial step toward
9 commission of suicide.

10 "Mental health services" means planned individualized
11 interventions intended to reduce or ameliorate mental illness
12 or the effects of mental illness through care, treatment,
13 counseling, rehabilitation, medical or psychiatric care, or
14 other supports provided to individuals with mental illness for
15 the purpose of enabling these individuals to increase their
16 self-determination and independence, obtain remunerative
17 employment, participate fully in all aspects of community
18 life, advocate for themselves, and achieve their fullest
19 potential to the greatest extent possible.

20 "Mental illness" means a mental, or emotional disorder
21 that substantially impairs a person's thought, perception of
22 reality, emotional process, judgment, behavior, or ability to
23 cope with the ordinary demands of life, but does not include a

1 developmental disability, dementia or Alzheimer's disease
2 absent psychosis, a substance use disorder, or an abnormality
3 manifested only by repeated criminal or otherwise antisocial
4 conduct.

5 "Physician", "psychiatrist", "clinical psychologist",
6 "clinical professional counselor", and "clinical social
7 worker" have the meanings ascribed to them in the Mental
8 Health and Developmental Disabilities Code.

9 "Psychiatric nurse" means a registered nurse with a
10 master's degree in psychiatric nursing who has 3 years of
11 clinical training and experience in the evaluation and
12 treatment of mental illness that has been acquired subsequent
13 to any training and experience that constituted a part of the
14 degree program.

15 "Recipient" means a person who is receiving or has
16 received mental health services.

17 "Therapist" means a psychiatrist, physician, clinical
18 psychologist, clinical social worker, psychiatric nurse,
19 clinical professional counselor, or any other person providing
20 mental health services or any other person not prohibited by
21 law from providing those services or from holding himself or
22 herself out as a therapist if the recipient reasonably
23 believes that the person is permitted to do so. Therapist
24 includes any successor of the therapist.

25 Section 10. Suicide prevention. For a person 18 years of

1 age or older who is receiving or has received mental health
2 services for an attempted suicide, the person's therapist
3 shall identify a family member or other person who shall
4 consult with the therapist every 30 days following a suicide
5 attempt for the period of one year. The period may be extended
6 by the therapist based on need. The therapist shall be
7 responsible for consulting with the designated person about
8 the progress of the person who is receiving mental health
9 services toward restoration of mental health.

10 Section 15. Immunity of therapist from criminal or civil
11 liability. Except as otherwise prohibited by the federal
12 Health Insurance Portability and Accountability Act of 1996, a
13 therapist is not criminally or civilly liable for disclosing
14 the recipient's therapy or for discussing the progress of the
15 recipient toward mental health to a person designated under
16 Section 10.

17 Section 105. The Mental Health and Developmental
18 Disabilities Confidentiality Act is amended by changing
19 Section 4 as follows:

20 (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

21 Sec. 4. (a) The following persons shall be entitled, upon
22 request, to inspect and copy a recipient's record or any part
23 thereof:

1 (1) the parent or guardian of a recipient who is under
2 12 years of age;

3 (2) the recipient if he is 12 years of age or older;

4 (3) the parent or guardian of a recipient who is at
5 least 12 but under 18 years, if the recipient is informed
6 and does not object or if the therapist does not find that
7 there are compelling reasons for denying the access. The
8 parent or guardian who is denied access by either the
9 recipient or the therapist may petition a court for access
10 to the record. Nothing in this paragraph is intended to
11 prohibit the parent or guardian of a recipient who is at
12 least 12 but under 18 years from requesting and receiving
13 the following information: current physical and mental
14 condition, diagnosis, treatment needs, services provided,
15 and services needed, including medication, if any;

16 (4) the guardian of a recipient who is 18 years or
17 older;

18 (5) an attorney or guardian ad litem who represents a
19 minor 12 years of age or older in any judicial or
20 administrative proceeding, provided that the court or
21 administrative hearing officer has entered an order
22 granting the attorney this right;

23 (6) an agent appointed under a recipient's power of
24 attorney for health care or for property, when the power
25 of attorney authorizes the access;

26 (7) an attorney-in-fact appointed under the Mental

1 Health Treatment Preference Declaration Act; ~~or~~

2 (8) any person in whose care and custody the recipient
3 has been placed pursuant to Section 3-811 of the Mental
4 Health and Developmental Disabilities Code; or

5 (9) any person designated by a therapist under Section
6 10 of the Suicide Prevention Act to be consulted on the
7 progress of a recipient of mental health services who has
8 attempted suicide.

9 (b) Assistance in interpreting the record may be provided
10 without charge and shall be provided if the person inspecting
11 the record is under 18 years of age. However, access may in no
12 way be denied or limited if the person inspecting the record
13 refuses the assistance. A reasonable fee may be charged for
14 duplication of a record. However, when requested to do so in
15 writing by any indigent recipient, the custodian of the
16 records shall provide at no charge to the recipient, or to the
17 Guardianship and Advocacy Commission, the agency designated by
18 the Governor under Section 1 of the Protection and Advocacy
19 for Persons with Developmental Disabilities Act or to any
20 other not-for-profit agency whose primary purpose is to
21 provide free legal services or advocacy for the indigent and
22 who has received written authorization from the recipient
23 under Section 5 of this Act to receive his records, one copy of
24 any records in its possession whose disclosure is authorized
25 under this Act.

26 (c) Any person entitled to access to a record under this

1 Section may submit a written statement concerning any disputed
2 or new information, which statement shall be entered into the
3 record. Whenever any disputed part of a record is disclosed,
4 any submitted statement relating thereto shall accompany the
5 disclosed part. Additionally, any person entitled to access
6 may request modification of any part of the record which he
7 believes is incorrect or misleading. If the request is
8 refused, the person may seek a court order to compel
9 modification.

10 (d) Whenever access or modification is requested, the
11 request and any action taken thereon shall be noted in the
12 recipient's record.

13 (Source: P.A. 99-143, eff. 7-27-15.)